

South Carolina General Assembly
122nd Session, 2017-2018

S. 987

STATUS INFORMATION

General Bill

Sponsors: Senator Gregory

Document Path: l:\s-res\ckg\001clea.sp.ckg.docx

Introduced in the Senate on February 8, 2018

Currently residing in the Senate Committee on **Judiciary**

Summary: Public Utilities

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/8/2018	Senate	Introduced and read first time (Senate Journal-page 8)
2/8/2018	Senate	Referred to Committee on Judiciary (Senate Journal-page 8)

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VERSIONS OF THIS BILL

[2/8/2018](#)

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9 **A BILL**

10
11 TO AMEND TITLE 58 OF THE 1976 CODE, RELATING TO
12 PUBLIC UTILITIES, SERVICES AND CARRIERS, BY
13 ADDING CHAPTER 41, TO PROVIDE FOR RENEWABLE
14 ENERGY PROGRAM ACCESS TO CONSUMERS; AND TO
15 DEFINE NECESSARY TERMS.

16
17 Be it enacted by the General Assembly of the State of South
18 Carolina:

19
20 SECTION 1. Title 58 of the 1976 Code is amended by adding:

21
22 “CHAPTER 41

23
24 Access to Clean Energy for South Carolina Businesses and
25 Institutions

26
27 Section 58-41-10. This chapter may be cited as the ‘Clean
28 Energy Access Act.’

29
30 Section 58-41-20. As used in this chapter:

31 (1) ‘Commission’ means the South Carolina Public Service
32 Commission.

33 (2) ‘Electrical utility’ shall be defined as set forth in Section
34 58-27-10(7), provided, however, that electrical utilities serving less
35 than one hundred thousand customer accounts shall be exempt
36 from the provisions of this chapter. For purposes of this chapter,
37 and notwithstanding any provision of law to the contrary, the
38 South Carolina Public Service Authority constitutes an electrical
39 utility. A renewable energy supplier participating in an electrical
40 utility’s voluntary renewable energy program pursuant to this
41 chapter shall not be considered an electrical utility for purposes of
42 this chapter.

1 (3) 'Eligible customer' means a person, corporation, or legal
2 entity with a contract demand greater than or equal to one
3 megawatt at a single metered location or aggregated across
4 multiple metered locations.

5 (4) 'Generation credit' means a credit applied by an electrical
6 utility to the bill of a participating customer that is equal to the
7 value of the electrical utility's system of the energy and capacity
8 provided by a renewable energy supplier under a power purchase
9 agreement, based on the electrical utility's avoided costs.

10 (5) 'Participating customer' means an eligible customer that
11 elects to have a portion or all of its electricity needs supplied by a
12 voluntary renewable energy program pursuant to the provisions of
13 this chapter.

14 (6) 'Participating customer agreement' means an agreement
15 between a participating customer and an electrical utility
16 establishing the customer's right to participate in the electrical
17 utility's voluntary renewable energy program.

18 (7) 'Power purchase agreement' means an agreement between
19 an electrical utility and a renewable energy supplier for the
20 purchase and sale of energy, capacity, and environmental attributes
21 from the renewable energy supplier's renewable energy facility
22 pursuant to this chapter.

23 (8) 'Renewable energy contract' means a contract between a
24 participating customer and a renewable energy supplier that
25 commits the parties to participating in an electrical utility's
26 voluntary renewable energy program in accordance with the terms
27 of an applicable power purchase agreement and participating
28 customer agreement.

29 (9) 'Renewable energy facility' means a facility for the
30 production of electrical energy that utilizes a renewable generation
31 resource as defined in Section 58-39-120(F), that is placed in
32 service after the effective date of this chapter, and for which costs
33 have not been included in an electrical utility's rates.

34 (10) 'Renewable energy supplier' means the owner or operator
35 of a renewable energy facility, including the affiliate of an
36 electrical utility that contracts with a participating customer.

37 (11) 'Voluntary renewable energy program' means a tariff filed
38 with the commission by an electrical utility that enables a
39 participating customer to receive and pay for electric service,
40 including the energy and environmental attributes specified in the
41 renewable energy contract, from the electrical utility pursuant to
42 the terms of the tariff.

43

1 Section 58-41-30. (A) Each electrical utility shall file a
2 voluntary renewable energy program for review and approval by
3 the commission within ninety days after the effective date of this
4 act. The program shall provide that:

5 (1) the participating customer shall have the right to select
6 the renewable energy facility from which the electrical utility shall
7 procure energy, capacity, and environmental attributes on behalf of
8 the participating customer and to negotiate the power purchase
9 agreement purchase price and contract length with the renewable
10 energy supplier;

11 (2) the electrical utility shall enter into a power purchase
12 agreement with the renewable energy supplier to purchase energy,
13 capacity, and environmental attributes for the benefit of the
14 participating customer. The renewable energy supplier and the
15 participating customer in the renewable energy contract shall agree
16 to the purchase price and the contract length;

17 (3) the renewable energy contract, power purchase
18 agreement, and participating customer agreement shall be of equal
19 duration, ranging between two years and twenty years, as agreed to
20 by the participating customer and the renewable energy supplier;

21 (4) in addition to paying a retail bill calculated pursuant to
22 the rates and tariffs that would be otherwise applicable to the
23 participating customer if the customer were not participating in the
24 program, reduced by the amount of the generation credit, a
25 participating customer shall reimburse the electrical utility on a
26 monthly basis for the amount paid by the electrical utility to the
27 renewable energy supplier for the purchase of the output of its
28 renewable energy facility for the benefit of the participating
29 customer, plus an administrative fee not to exceed five hundred
30 dollars per month, regardless of the participating customer's
31 number of aggregated metered locations;

32 (5) the electrical utility must retire any environmental
33 attributes associated with the generation of renewable energy
34 procured pursuant to the program on behalf of the participating
35 customer; and

36 (6) the electrical utility shall not be liable for costs related to
37 participating customer or renewable energy supplier default.

38 (B) In addition to terms negotiated between the participating
39 customer and the renewable energy supplier in a renewable energy
40 contract, each electrical utility's voluntary renewable energy
41 program shall provide standard terms and conditions for the
42 participating customer agreement and the power purchase

1 agreement. Such standard terms and conditions shall be subject to
2 commission review and approval.

3 (C) A participating customer shall be eligible to annually
4 procure an amount of energy equal to one hundred twenty-five
5 percent of its most recent annual energy usage through the
6 voluntary renewable energy program.

7 (D) An electrical utility may not charge any non-participating
8 customers for any direct costs incurred pursuant to the provisions
9 of this chapter.

10 (E) An electrical utility shall comply with the requirements of
11 this chapter until the aggregated amount of installed nameplate
12 generation capacity procured pursuant to this chapter equals ten
13 percent of the previous five-year average of the electrical utility's
14 South Carolina retail peak demand. Renewable electricity procured
15 on behalf of customers that began service with the electrical utility
16 after the effective date of this act shall not be included in the ten
17 percent calculation."

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19 SECTION 2. This act takes effect upon approval by the Governor.
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